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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह दस्तावेज संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग III—खण्ड ३

PART III—SECTION 3

लघु प्रशासनों से सम्बन्धित अधिसूचनाएं

Notifications relating to Minor Administrations

GOVERNMENT OF PONDICHERRY

Appointments Department

Pondicherry-1, the 16th January 1968

No. 845/68-Appis.—Shri R. Ramanujam, Superintendent, Health, Education and Welfare Department is appointed to act as Under Secretary on *ad hoc* basis in the leave vacancy of Shri A. M. Joseph with effect from the forenoon of the 13th December 1967.

(By Order of the Lt. Governor)

S. SEETHARAMAN

Under Secretary to Government

ADMINISTRATION OF DADRA & NAGAR HAVELI

Silvassa, the 16th January 1968

ORDER

No. ADM/SUP/FGN/18/1968—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Deptt. of Food) No. GSR.1111, dated the 24th July, 1967, I, Nakul Sen, Administrator, Dadra and Nagar Haveli do hereby amend the Dadra and Nagar Haveli Foodgrains Dealers Licensing Order, 1966, as follows, namely :—

In clause 6 of the said Order, for the words, brackets, figures and letters beginning with the words "deposit with the licensing authority" and ending with the words "by way of the cash security" the following shall be substituted :—

"deposit with the licensing authority rupees five hundred if he is a wholesaler and rupees one hundred if he is a retailer, in cash or in the form of 12 years National Defence Certificates, 10 years Defence Deposit Certificates, 10 years National Savings Certificates, Government scripts of loans issued by the Government of India or

any State Government or scripts of loans issued by any local authority, by way of security".

NAKUL SEN

Administrator

Dadra and Nagar Haveli

UNION TERRITORY OF DADRA & NAGAR HAVELI

Panaji, the 12th January 1968

THE VILLAGE PANCHAYATS MEMBERS DISQUALIFICATION INQUIRY RULES, 1968.

In exercise of the powers conferred by clause (r) of sub-section (2) of section 66 of the Dadra and Nagar Haveli Regulation, 1965, I, Nakul Sen, Administrator, Dadra and Nagar Haveli, do hereby make the following rules :—

Short title—1. These rules may be called the Village Panchayats Members Disqualifications Inquiry Rules, 1968.

Definitions—2. In these rules, unless the context otherwise requires :

(a) *Member*—Means a person who has been duly elected as a member at any election of the Village Panchayat.

Petition—3(1) No disqualification of a member shall be called in question except by petition in writing by any elector presented to the Collector, Dadra and Nagar Haveli and shall contain a concise statement of material facts on which the petitioner relies and shall be signed by the petitioner himself.

Explanation—In this sub rule, 'Elector' means a person who is entitled to vote at the election.

(2) The petition shall be accompanied by certified copies of the documents on which the petitioner relies, along with the names of his witnesses in support of his petition.

4. The Collector may either on a petition made to him or on his own motion and after making inquiry for this purpose give his decision as to whether a member is disqualified or not under section 12 of the Dadra and Nagar Haveli Village Panchayats Regulation, 1965. Until the Collector decides that the vacancy has arisen the member shall not be disqualified from continuing as a member.

Provided that no such order shall be passed under these rules by the Collector against any without giving him a reasonable opportunity of being heard.

5. The inquiry will be conducted by the Collector in the manner as he thinks fit and for this purpose he shall exercise the following powers :—

- (a) Summoning witness by a notice;
- (b) enforcing the attendance of the parties to the disputes or their witnesses requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) receiving evidence taken on affidavits;
- (f) issuing commissions for the examination of witness and may summon and examine *suo-motu* any person whose evidence appears to him to be material.

Explanation—For the purpose of enforcing the attendance of witnesses, jurisdiction of the Collector shall extend to the entire Union Territory of Dadra and Nagar Haveli.

THE VILLAGE PANCHAYATS ELECTION DISPUTES RULES 1968.

NO. ADM/LAW/VP/13.—In exercise of the powers conferred by clause (c), sub-section (2) of the section 66 of the Dadra and Nagar Haveli Village Panchayats Regulation, 1965, I, Nakul Sen, Administrator, Dadra and Nagar Haveli, do hereby make the following rules :—

Short title

1. These rules may be called the Dadra and Nagar Haveli Village Panchayats Election Disputes Rules, 1968.

Definitions

2. In these rules, unless the context otherwise requires :

- (a) *Candidate*.—Means a person who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate.
- (b) *Costs*.—Means all costs, charges and expenses of, or incidental to a trial of an election petition.
- (c) *Pleader*.—Means any person entitled to appear and plead for another in a civil court within the territory of Dadra and Nagar Haveli.
- (d) *Returned Candidate*.—Means a candidate declared elected at the Village Panchayat election.
- (e) *Election*.—Means an election held to elect a member to a Panchayat.

Election Petition

3. No election shall be called in question except by an election petition which shall be in Form 'A' and shall be presented in accordance with the provisions of these rules.

Presentation of petition

4(1) An election petition calling in question any election may be presented in person or through pleader to the Collector, Dadra and Nagar Haveli by any candidate at such election or any elector within 15 days from the date of the declaration of the result of the election.

Explanation.—In this sub rule, 'Elector' means a person who was entitled to vote at the election to which election petition relates, whether he has voted at such election or not.

(2) The application shall be accompanied by a certified copy of the order of the Returning Officer and shall also be accompanied by the equal number of copies of the application as there are respondents.

Provided that the time reasonably required for obtaining a certified copy of the Returning Officer's order shall be excluded from the period of 15 days mentioned in Rule 4(1) above.

Process fee

5. At the time of filing an election petition, the petitioner or his pleader shall pay in the Government treasury a process fee of Rs. 3/- in cash and attach the challan to the petition.

Contents of petition

6. An election petition shall contain a concise statement of material facts on which the petitioner relies and shall be signed by the petitioner.

Procedure before the officer appointed to hear and decide election disputes.

7. The Collector shall, as soon as may be, fix a date for hearing of the petition and issue notices in Form 'B' to the parties to the petition. A copy of the petition shall be served on each respondent along with notice in Form 'B' which shall be served not less than 7 days in advance of the date fixed for hearing.

8. On the day fixed for hearing under rule (7) if the petitioner remains absent without reasonable cause, the Collector shall dismiss it with costs.

Provided that the Collector may review his order if within 7 days from the date of the order, the petitioner shows valid grounds for such absence to his satisfaction.

9. If on the day fixed for hearing under Rule (7) the respondent remains absent without reasonable excuse, the Collector shall decide it '*ex-parte*'.

Provided that the Collector may review his order if within 7 days from the date of order, the respondent shows valid grounds for such absence to his satisfaction.

10. The Collector shall have the powers of

- (a) summoning witness by a notice in Form 'C'.
- (b) enforcing the attendance of the parties to the disputes or their witnesses requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) receiving evidence taken on affidavits;
- (f) issuing commissions for the examinations of witness and may summon and examine *suo-motu* any person whose evidence appears to him to be material.

Explanation.—For the purpose of enforcing the attendance of witnesses, the jurisdiction of the Collector shall extend to the entire Union Territory of Dadra and Nagar Haveli.

Expenses of witnesses

11. The reasonable expenses, incurred by any person summoned as witness to give evidence, may be allowed by the Collector and shall unless he otherwise directs be deemed to be part of the costs. The expenses of witnesses summoned at the request of the party shall be borne by the respective party and those of the witnesses examined *suo-motu* shall be paid by Government and they shall be deemed to form the part of the costs.

12. At the conclusion of the hearing of the election petition, Collector shall make an order:—

(a) dismissing the election petition;

Or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected; or

(d) declaring the election to be wholly void; and

(e) fixing the total amount of cost payable and specifying the persons by and to whom cost shall be paid.

13. Every order of the Collector made under these rules shall be final and conclusive.

14. Costs including pleader's fee shall be in the discretion of the Collector.

Execution of orders as to costs

15. Any order as to costs under the provision of these rules may be produced before the Principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

FORM 'A'

[Section 17(1) of the Regulation]

In the court
Shri Petitioner
(complete address to be given)
Shri Respondent
(complete address to be given)

Petition under section 17(1) of the Dadra and Nagar Haveli Village Panchayats Regulation, 1965.

The petitioner respectfully sheweth as under:—

The petitioner is an elector and his name appears in the electoral roll for village panchayat of at Sr. No.

The respondent was a candidate for village Panchayat election and is declared to be elected as a member of the Panchayat of village on

Grounds on which the petitioner relies:—

1
2
3
etc. etc.

In support of the above, the petitioner relies on the following documentary evidence.

1
2
3
etc. etc.

The petitioner desires to cite the following persons as his witnesses:

1
2
3
etc. etc.

(Here state whether the persons are to be summoned by the officer).

Place

Date

Signature

FORM 'B'

Notice under Rule (7)

To of
Whereas your attendance is necessary to prove/answer allegations made regarding the validity of the election of Shri as a member to the panchayat of you are hereby required to appear, in person, before me, at on at O'clock.

Please take note that the petition shall be dismissed/heard *ex-parte* if you remain absent on the said day and time fixed for hearing of petition

Place

Signature

Date

FORM 'C'

Notice under Rule 10(a)

To of
Whereas a petition has been filed before me that Shri is elected as a member to the village Panchayat of against the provisions of the regulation or rules and orders made thereunder, and whereas it appears to me that you are likely to give or produce material evidence in support of applicant/the opponent.

Now, you are hereby asked to appear before the undersigned at on the day of at O'clock to testify what you know concerning the matter of the petition and not to depart thence without leave of the undersigned and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, you shall be liable to be proceeded against under the law for the time being in force.

Date

Place

Signature

NAKUL SEN

Administrator

Dadra and Nagar Haveli

